REMARKS/ARGUMENTS

Claims 1-13 are pending in the application. Reconsideration is requested in view of the above amendments and the following remarks.

The Examiner has considered the Applicant's arguments, but has maintained the rejection of the claims over Hawe in view of Ranger.

The Applicant notes the provisional rejections as recited in the previous responses. Claims 1-13 stand rejected as being provisionally rejected on the ground of nonstatutory obviousness-type double patenting in view of:

claims 4-17 of copending application no. 09/800,328;

claims 1-36 of copending application no. 10/655,387; and

claims 1-12 of copending application no. 09/838,979.

As previously stated, reconsideration of the rejection is respectfully requested in view of the above amendments and the remarks presented herein. In the event the Examiner maintains this rejection, Applicant acknowledges that it may be overcome by submitting a terminal disclaimer.

Claims 1-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,070,528 ("Hawe") in view of US Patent 6,393,568 ("Ranger"). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

As the Applicant previously pointed out, Hawe provides an appendage of information to the content being evaluated by Hawe. Taking Hawe for what it actually discloses, it pertains to being able to detect the information which has already been appended with a string. That is what Hawe is disclosing.

Applicant has amended claim 1 to more particularly distinguish the present invention over Hawe. Claim 1 includes the feature of <u>said proscribed code scanner reviewing information preexisting in said code prior to said code being intercepted and processed by said apparatus</u>. Similarly, the method claim 8 has also been amended. This feature further distinguishes the Applicant's present invention over Hawe.

Hawe, unlike the Applicant's claimed invention, discloses prepending a cryptographic preamble. That is not the Applicant's invention. In other words, without the appendage, Hawe would be rendered unfit for its intended purpose. In addition, Hawe does not appear to be able to function by reviewing the information as it preexists in said code, as claimed by Applicant. Rather, Hawe must prepend a cryptographic preamble, so the information is not in the form as it preexists, but rather is in another form. Hawe is not reviewing the information as it preexists, but in some other form.

Therefore, any meaningful application attempted by the Examiner, in particular, seeking to combine Hawe with another reference, namely Ranger, must also carry with it Hawe's operational method, which includes prepending a string to the front of a code sequence.

Applicant has previously noted that the Applicant's present invention relates to and claims processing code on a communications channel, which in effect, involves a stream, not a file, per se. This is an important consideration, since Hawe has been cited in combination with Ranger. Applicant, from a review of Ranger, believes that Ranger relates to files, and not a communications stream. This would be yet another reason why the Applicant's claimed invention is not taught, suggested or disclosed by the cited references.

Applicant respectfully requests reconsideration of the pending claims, and earnestly solicits their allowance. In the event further matters remain in connection with the application, an interview is requested.

If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
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